

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>CHERYL CANTY-AARON,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action File No. 5:14-cv-00300-CAR</b>
	)	
<b>vs.</b>	)	
	)	
<b>BIBB COUNTY SCHOOL DISTRICT,</b>	)	
<b>BIBB COUNTY BOARD OF</b>	)	
<b>EDUCATION, and DR. E. STEVEN</b>	)	
<b>SMITH in his official capacity as</b>	)	
<b>Superintendent of Bibb County School</b>	)	
<b>District,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**PROPOSED SCHEDULING AND DISCOVERY ORDER**

In accordance with the Court's Rules 16 and 26 Order dated October 30, 2014, Counsel (Undersigned Counsel for the Plaintiff, Alexander MacInnes and Taylor Bennett, and Undersigned Counsel for the Defendants, W. Warren Plowden, Jr. and Canon B. Hill) for the parties to this action conferred on October 30, 2014, and jointly developed a scheduling order and discovery plan containing deadlines and limitations as follows:

**I. Nature of the Case**

Plaintiff's Complaint contains allegations against the Defendants pursuant to (1) Title VII of the Civil Rights Act of 1964 for relief based upon alleged unlawful employment practices (discrimination based upon race, sex, and age, and retaliation); (2) race discrimination under 42 U.S.C. § 1981; (3) age discrimination under 29 U.S.C. § 621; and (4) discrimination in violation of the Civil Rights Act of 1991. Plaintiff seeks equitable relief; general and compensatory

damages and economic loss; attorney's fees and costs; interest and liquidated damages; and, such other and further relief as the Court may deem proper.

Defendants deny all allegations contained in Plaintiff's Complaint and deny that Plaintiff is entitled to recover from Defendants.

## **II. Counsel of Record**

The following individually-named attorneys are hereby designated as lead counsel for the parties:

For Plaintiff:

Regina S. Molden  
Ga. State Bar No. 515454  
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Alexander MacInnes  
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Molden & Holley, LLC  
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233 Peachtree Street, N.E. Suite 1245  
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(404) 324-4500 (telephone)  
(404) 324-4501 (facsimile)

For Defendants:

W. Warren Plowden, Jr.  
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[warren.plowden@jonescork.com](mailto:warren.plowden@jonescork.com)  
Canon B. Hill  
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Jones, Cork & Miller, LLP  
P.O. Box 6437  
Macon, Georgia 31208-6437  
(478) 745-2821 (telephone)  
(478) 743-9609 (facsimile)

**III. Complaint and Answer filing dates:**

Complaint was filed: 08/15/2014

Answer was timely filed after service: 10/10/2014

**IV. Discovery Deadlines:**

**A. Time for Discovery**

The time for discovery in this case shall expire **04/10/2015**, that being no more than **six (6) months** after the filing of responsive pleadings.

In the event that one or all parties believe that a greater time for discovery is needed, the party or parties will file a written motion for extension of time, accompanied by a proposed order for the Court, wherein good cause will be shown for the requested extension.

**B. Witnesses to be Deposed**

**By Plaintiff:**

- a. David McMahan, 229 Tucker Road Warner Robins, GA 31088 on or before Friday, February 27, 2015 at 9:00 AM at the offices of Jones, Cork & Miller, LLP in Macon, Georgia.
- b. Jason Daniel, 484 Mulberry St., Macon GA 31210 on or before Friday, February 27, 2015 at 9:00 AM at the offices of Jones, Cork & Miller, LLP in Macon, Georgia.
- c. Representative(s) of Defendant with the most knowledge of Defendant's personnel processes, policies, and procedures to be taken at the office of Jones, Cork & Miller, LLP.
- d. All witnesses identified in Defendant's Initial Disclosures as well as Plaintiff's Initial Disclosures.
- e. Any of the witnesses determined through discovery to have relevant knowledge.

**By Defendants:**

- a. Plaintiff Cheryl Canty-Aaron, 132 Brookfield Drive, Macon, Georgia, 31210, on or before Friday, February 27, 2015 at 9:00 AM at the offices of Jones, Cork & Miller, LLP in Macon, Georgia.
- b. All witnesses identified in Plaintiff's Initial Disclosures.
- c. Any of the witnesses determined through discovery to have relevant knowledge.

Both parties reserve the right to take additional depositions that may be warranted as discovery proceeds.

**C. Expert Witnesses**

**1. Designation of Experts**

Any party who desires to use the testimony of an expert witness will be required to designate the expert according to the following schedule:

Plaintiff must disclose the identity of any expert witness on or before **01/08/2015**, that being no more than ninety (90) days after the filing of the answer of Defendant named in the Complaint.

Defendants must thereafter disclose the identity of any expert witnesses that may testify on or before **02/09/2015**, that being no more than 120 days after the filing of the answer of Defendants named in the Complaint.

In the event the Defendants designate an expert where Plaintiff has not previously designated an expert, Plaintiff shall have an additional thirty (30) days to designate a rebuttal expert.

**2. Expert Reports**

Any disclosure or designation of an expert witness must be accompanied by a written report prepared and signed by the expert in accordance with the requirements of Federal Rule of Civil Procedure 26(a)(2)(B).

**3. Daubert Motions**

Any Daubert Motions must be filed on or before **05/26/2015**, that being no more than 45 days after the expiration of discovery in this case.

**D. Discovery Limitations or Need for Protective Order**

The parties agree to serve no more than 25 interrogatories, 10 requests for production of documents, and 15 requests for admissions.

The parties have served their Initial Disclosures.

The parties propose that any material claimed by either party to be privileged be withheld from production and, if necessary, identified in a privilege log. Further, to the extent that any privileged or confidential information should be used during the course of litigation, the parties agree to prepare a consent motion for a

confidentiality order and submit a proposed confidentiality order for the Court's consideration.

**E. Motions to Compel Discovery**

While written motions to compel discovery may be properly filed, the Court requests that the parties initially refrain from filing such motions, and instead contact Lee Anne Purvis, Courtroom Deputy (478-752-0739) to schedule a telephone conference to discuss any discovery issues.

**F. Estimated Cost of Discovery**

<b>For Plaintiff:</b>	Approximately \$29,000.00
<b>For Defendants:</b>	Approximately \$29,000.00

**V. Time for Filing Motions:**

**A. Motions to Amend the Pleadings or to Join Parties**

All motions seeking to amend the pleadings or to join parties or claims to the current action shall be filed on or before **05/26/2015**.

**B. Dispositive Motions**

The parties agree that all Dispositive Motions will be filed no later than **05/26/2015**, that being no more than 45 days after the expiration of discovery in this case. The respondent shall have 21 days to respond to the dispositive motion, and the movant shall have 14 days thereafter to file a reply.

In the event one or all parties would like to request oral argument on a pending Motion for Summary Judgment, a separate motion requesting oral argument will be filed in accordance with Local Rule 7.5.

**VI. Certification of the Parties:**

The parties certify by their signatures below that they have conferred and discussed the nature and basis of their claims and defenses and the possibilities for prompt settlement or resolution of the case, pursuant to Local Rule 26(a).

This 2<sup>nd</sup> day of December, 2014.

/s/ Regina S. Molden  
by W. Warren Plowden, Jr., w/ express permission  
Regina S. Molden  
Ga. State Bar No. 515454  
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ATTORNEYS FOR PLAINTIFF

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Canon B. Hill  
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(478) 743-9609 (facsimile)  
ATTORNEYS FOR DEFENDANTS

The Court, having reviewed the information contained in the Proposed Scheduling and Discovery Order completed and filed jointly by the parties to this action, hereby **ADOPTS** the parties' plan and **MAKES IT THE ORDER OF THE COURT.**

**SO ORDERED** this 5th day of December, 2014.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
Chief Judge, United States District Court  
Middle District of Georgia

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EDUCATION, and DR. E. STEVEN	)	
SMITH in his official capacity as	)	
Superintendent of Bibb County School	)	
District,	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notifications of such filing to all attorneys of record registered to receive such notices.

/s/ W. Warren Plowden, Jr.  
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